

APPENDIX



Text of Several Treaties Ceding Land

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The fact that there are still pending many claims and suits, some them aggregating millions of dollars, brought by the several tribes Indians, growing out of the relinquishment to the government of the
kota lands, has induced the publication herewith of the text of the veral treaties of cession.

A

TREATY OF TRAVERSE DES SIOUX, 1851

This Treaty Opened All of Dakota East of Sioux River

Illard Fillmore, President of the United States of America, to all and singular to whom these presents shall come, greeting:

Whereas a treaty was made and concluded at Traverse des Sioux, the Territory of Minnesota, on the twenty-third day of July, one thound eight hundred and fifty-one, between the United States of America, Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, .vernor and ex-officio superintendent of Indian affairs in said Territory, ting as commissioners, and the See-see-toan and Wah-pay-toan bands

Dakota or Sioux Indians, which treaty is in the words following, tot:

Articles of a treaty made and concluded at Traverse des Sioux upon the Minnesota River, in the Territory of Minnesota, on the twentythird day of July, eighteen hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs and Alexander Ramsey, governor and ex-officio superintendent of Indian affairs in said Territory, commissioners duly appointed for that purpose, and the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians.

Article 1. It is stipulated and solemnly agreed that the peace and endship now so happily existing between the United States and the aforesaid bands of Indians shall be perpetual.

Article 2. The said See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians agree to cede, and do hereby cede, sell, and relinquish to the United States, all their lands in the State of Iowa, and also all their lands in the Territory of Minnesota lying east of the following line, to-wit: Beginning att the junction of the Buffalo River with the Red River of the North; thence along the, western hank of said Red River of

the North to the mouth of the Sioux Wood River; thence along the western bank of said Sioux Wood River to Lake Traverse; thence along the western shore of said lake to the southern extremity thereof; thence in a direct line to the junction of Kampeska Lake with the Tchan-kas-andata, Qr Sioux River; thence along the western bank of said river to its point of intersection with the northern line of the State of Iowa, including all the islands in said rivers and lake.

Article 3. Stricken out. (See supplemental article, this treaty.)

Article 4. In further and in full consideration of said cession, the United States agrees to pay to said Indians the sum of one million six hundred and sixty-five thousand dollars (\$1,665,000) at the several times, in the manner, and for the purposes following, to-wit:

1st. To the chiefs of the said bands, to enable them to settle their affairs and comply with their present just engagement, and in consideration of their removing themselves to the country set apart for them as above, which they agree to do within two years, or sooner, if required by the President, without further cost or expense to the United States, and in consideration of their subsisting themselves the first year after their removal, which they agree to do without further cost or expense on the part of the United States, the sum of two hundred and seventy-five thousand dollars, (\$275,000) : Provided, That said sum shall be paid to, the chiefs in such manner as they hereafter in open council shall request, and as soon after the removal of said Indians to the home set apart for them as the necessary appropriation therefor shall be made by Congress.

2d. To be laid out under the direction of the President for the establishment of manual-labor schools, the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, thirty thousand dollars (\$30,000).

The balance of said sum of one million six hundred and sixty-five thousand dollars (\$1,665,000), to-wit: one million three hundred and sixty thousand dollars (\$1,360,000) to remain in trust with the United States and five per cent interest thereon to be paid annually to said Indians, for the period of fifty years, commencing the first day of July, eighteen hundred and fifty-two (1852), which shall be in full payment of said balance, principal and interest, the said payment to be applied, under the direction of the President, as follows, to-wit:

3d. For a general agricultural improvement and civilization fund, the sum of twelve thousand dollars (\$12,000).

4th. For educational purposes, the sum of six thousand dollars (\$6,000).

5th. For the purchase of goods and provisions, the sum of ten thousand dollars (\$10,000).

6th. For money annuity, the sum of forty thousand dollars (\$40,000).

Article 5. The laws of the United States prohibiting the introduction and sale of spirituous liquors in the Indian country shall be in full force and effect throughout the territory hereby ceded and lying in Minnesota until otherwise directed by congress or the president of the United States.

Article 6. Rules and regulations to protect the rights of persons and property among the Indians, parties to this treaty, and adapted to their conditions and wants, may be prescribed and enforced in such manner as the President or the Congress of the United States, from time to time, shall direct.

SUPPLEMENTAL ARTICLE

1st. The United States do hereby stipulate to pay the Sioux bands of Indians, parties to this treaty, at the rate of ten cents per acre, for

the lands included in the reservation provided for in the third article of the treaty as originally agreed upon in the following words:

"Article 3. In part consideration of the foregoing cession, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them as Indian lands are held, all that tract of country on either side of the Minnesota River, from the western boundary of the lands herein ceded, east, to the Tchaytam-bay Rver on the north, and to Yellow Medicine River on the south side, to extend on each side a distance of not less than ten miles from the general course of said river, the boundaries of said tract to be marked out by as straight lines as practicable, whenever deemed expedient by the President, and in such manner as he shall direct;" which article has been stricken out of the treaty by the senate. the said payment to be in lieu of said reservation; the amount, when ascertained, under instructions from the Department of the Interior, to be added to the trust fund provided for in the fourth article.

2d. It is further stipulated that the President be authorized, with the assent of the said bands of Indians, parties to this treaty, and as soon after they shall have given their assent to the foregoing article as may be convenient, to cause to be set apart, by appropriate landmarks and boundaries, such tracts of country without the limits of the cession made by the first (2d) article of the treaty as may be satisfactory for their future occupancy and home: Provided, That the President may, by the consent of these Indians, vary the conditions aforesaid, if deemed expedient.

Proclaimed February 24, 1853.

TREATIES ABROGATED

After the outbreak of 1862, congress on February 16, 1863, passed the following act:

That all treaties heretofore made and entered into by the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians, or any of them, with the United States, are hereby declared to be abrogated and annulled, so far as said treaties or any of them purport to impose any future obligation on the United States, and all lands and rights of occupancy within the State of Minnesota, and all annuities and claims heretofore accorded to said Indians, or any of them, to be forfeited to the United States.

B

THE YANKTON TREATY, 1858

This Treaty Opened Lands Between Sioux and Missouri as Far North as

Line From Pierre to Watertown

Treaty between the United States of America and the Yankton tribe

of Sioux or Dacotah Indians, concluded at Washington April 19,

1858; ratified by the Senate February 16, 1859.

James Buchanan, President of the United States of America, to all and

singular to whom these presents shall come, greeting:

Whereas a treaty was made and concluded at the city of Washington on the nineteenth day of April, one thousand eight hundred and fiftyeight, by Charles E. Mix, as a commissioner on the part of the United States, and the following-named chiefs and delegates of the Yankton tribe of Sioux or Dacotah Indians, viz:

Pa-la-ne-a-pa-pe, the man that was struck by the Ree. Ma-to-sa-be-che-a, the smutty bear.

Charles F. Picotte, Et-ke-cha.

Ta-ton-ka-wete-co, the crazy bull.

Pse-cha-wa-kea, the jumping thunder. Ma-ra-ha-ton, the iron horn

Nombe-kah-pah, one that knocks down two. Ta-ton-ka-e-yah-ka, the fast bull.

A-ha-ka-ma-ne, the walking elk. A-ha-ka-na-zhe, the standing elk.

A-ha-ka-ho-che-cha, the elk with a bad voice. Cha-ton-wo-ka-pa, the grabbing hawk.

E-ha-we-cha-sha, the owl man.

Pla-son-wa-kan-na-ge, the white medicine cow that stands. Ma-ga-scha-che-ka, the little white swan.

Oke-che-la-wash-ta, the pretty boy.

They being thereto duly authorized by said tribe, which treaty is

in the following words, to-wit:

Articles of agreement and convention made and concluded at the city of

Washington, this nineteenth day of April, A. D. one thousand eight hundred and fifty-eight, by Charles E. Mix, commissioner on the part of the United-States, and the following-named chiefs and delegates of the Yancton tribe of Sioux or Dacotah Indians, Viz: Pa-la-ne-a-pa-pe, the man that was struck by the Ree. Mato-sa-be-che-a, the smutty bear.

Charles F. Picotte, Eta-ke-cha.

Ta-ton-ka-wete-co, the crazy bull.

Pse-cha-wa-kea, the jumping thunder.

Ma-ra-ha-ton, the iron horn.

Nombe-kah-pah, one that knocks down two. Ta-ton-ka-e-yah-ka, the fast bull.

A-ha-ka-ma-ne, the walking elk.

A-ha-ka-na-zhe, the standing elk.

A-ha-ka-ho-che-cha, the elk with a bad voice. Cha-ton-wo-ka-pa, the grabbing hawk.

E-ha-we-cha-sha, the owl man.

Pla-son-wa-kan-na-ge, the white medicine cow that stands. Ma-ga-scha-che-ka, the little white swan. Oke-che-la-wash-ta, the pretty boy.

(The three last named signed by their duly authorized agent and representative, Charles F. Picotte,) they being thereto duly authorized and empowered by said tribe of Indians.

Article 1. The said chiefs and delegates of said tribe of Indians do hereby cede and relinquish to the United States all the lands now owned, possessed, or claimed by them wherever situated, except four hundred thousand acres thereof situated and described as follows, to-wit: Beginning at the mouth of the Naw-izi-wa-koo-pah or Chouteau River and extending up the Missouri River thirty miles; thence due north to a point; thence easterly to a point on the said Chouteau River; thence down said river to the place of beginning, so as to include the said quantity of four hundred thousand acres.- They also hereby relinquish and abandon all claims and complaints about or growing out of any and all treaties heretofore made by them or other Indians, except their annuity rights under the treaty of Laramie of September 17, A. D. 1851.

N. B.-This treaty of Laramie is understood not to have been ratified, and is not in print; it is given at the end of the volume.

Article 2. The land so ceded and relinquished by the said chiefs and delegates of the said tribe of Yanctons is and shall be known and described as follows, to-wit:

"Beginning at the mouth of the Tchan-kas-an-data or Calumet o

Big Sioux River; thence up the Missouri River to the mouth of the pa-hah-wakan or East Medicine Knoll River; thence up said river to its head; thence in a direction to the head of the main fork of the Wandush-kah-for or Snake River; thence down said river to its junction with the Tchan-san-san or Jaques or James River; thence in a direct line to the northern point of Lake Kampeska; thence along the northern shore of said lake and its outlet to the junction of said outlet with the Big Sioux River; thence down the Big Sioux River to its junction with the Missouri River."

And they also cede and relinquish to the United States all their right title to and in all the islands of the Missouri River, from the' mouth of the Big Sioux to the mouth of the Medicine Knoll River.

And the said chiefs and delegates hereby stipulate and agree that
-all the lands embraced in said limits are their own, and that they have full and exclusive right to cede and relinquish the same to the United States

Article 3. The said chiefs and delegates hereby further stipulate and agree that the United States may construct and use roads as may be hereafter necessary across their said reservation by the consent and permission of the Secretary of the Interior, and by first paying the said Indians all damages and the fair value of the land so used for said road or roads, which said damages and value shall be determined in such manner as the Secretary of the Interior may direct. And the said Yanctons hereby agree to remove and settle and reside on said reservation within one year from this date, and, until they do so remove, (if within said year.) the United States guarantee them in the quiet and undisturbed possession of their present settlements.

Article 4. In consideration of the foregoing cession, relinquishment, and agreements, the United States do hereby agree and stipulate as follows, to-wit:

1st. To protect the said Yanctons in the quiet and peaceable possession of the said tract of four hundred thousand acres of land so reserved for their future home, and also their persons and property thereon during good behavior on their part.

2d. To pay to them, or expend for their benefit, the sum of sixtyfive thousand dollars per annum, for ten years, commencing with the year in which they shall remove to and settle and reside upon their said reservation; forty thousand dollars per annum for and during ten years thereafter; twenty-five thousand dollars per annum for and during ten years thereafter; and fifteen thousand dollars per annum for and during twenty years thereafter; making one million and six hundred thousand dollars in annuities in the period of fifty years, of which sums the President of the United States shall, from time to time, determine what portion shall be paid to said Indians in cash, and what proportion shall be expended for their benefit, and also in what manner and for what objects such expenditure shall be made, due regard being had in making such determination to the best interests of said Indians. He shall likewise exercise the power to make such provision out of said sums as he may deem to be necessary and proper for the support and comfort of the aged or infirm and helpless orphans of the said Indians. In case of any material decrease of said Indians in number the said amounts may, in the discretion of the President of the United States, be diminished and reduced in proportion thereto; or they may, at the discretion of the President of the United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition, in which case such other provisions shall be made for them as the President and Congress may judge to be suitable and proper.

3d. In addition to the foregoing sum of one million six hundred thousand dollars as annuities to be paid to or expended for the benefit of said Indians during the period of fifty years, as before stated, the United States hereby stipulate and agree to expend for their benefit the sum of fifty thousand dollars more, as follows, to-wit: Twenty-five thousand dollars in maintaining and subsisting the said Indians during the first year after their removal to and permanent settlement upon their said reservation, in the purchase of stock, agricultural implements, or other articles of a beneficial character, and in breaking up and fencing land; in the erection of houses, store-houses, or other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare.

4th. To expend ten thousand dollars to build a school-house or school-houses, and to establish and maintain one or more normal labor schools (so far as said sum will go) for the education and training of the children of said Indians in letters, agriculture, the mechanics arts, and housewifery, which school or schools shall be managed and conducted in such manner as the Secretary of the Interior shall direct. The said Indians hereby stipulating to keep constantly thereat during at least nine months in the year, all their children between the ages of seven and eighteen years; and if any of the parents, or others having the care of children, shall refuse or neglect to send them to school, such parts of their annuities as the Secretary of the Interior may direct, shall be withheld from them and applied as he may deem just and proper; and such further sum, in addition to the said ten thousand dollars, as shall be deemed necessary and proper by the President of the United States, shall be reserved and taken from their said annuities and applied annually during the pleasure of the President to the support of said schools, and to furnish said Indians with assistance and aid and instruction in agricultural and mechanical pursuits, including the working of the mills, hereafter mentioned, as the Secretary of the Interior may consider necessary and advantageous for said Indians; and all instruction in reading shall be in the English language. And the said Indians hereby stipulate to furnish from amongst themselves the number of young men that may be required as apprentices and assistants in the mills and mechanic shops, and at least three persons to work constantly with each white laborer employed for them in agriculture and mechanical pursuits, it being understood that such white laborers and assistants as may be so employed are thus employed more for the instruction of the said Indians than merely to work for their benefit; and that the laborers so to be furnished by the Indians may be allowed a fair and just compensation for their services, to be fixed by the Secretary of the Interior and to be paid out of the shares of annuity of such Indians as are able to work but refuse or neglect to do so. And whenever the President of the United States shall become satisfied of a failure on the part of said Indians to fulfil the aforesaid stipulations he may, at his discretion, discontinue the allowance and expenditure of the sums so provided and set apart for said school or schools and assistance and instruction.

5th. To provide the said Indians with a mill suitable for grinding grain and sawing timber; one or more mechanic shops, with the necessary tools for the same; and dwelling-houses for an interpreter, miller, engineer for the mill, (if one be necessary,) a farmer, and the mechanics that may be employed for their benefit, and to expend therefor a sum not exceeding fifteen thousand dollars.

Article 5. Said Indians further stipulate and bind themselves to prevent any of the members of their tribe from destroying or injuring the said houses, shops, mills, machinery, stock, farming-utensils, or any other thing furnished them by the Government, and in case of any such

destruction or injury of any of the things so furnished, or their being carried off by any member or members of their tribe, the value of the same shall be deducted from their general annuity; and whenever the Secretry of the Interior shall be satisfied that said Indians have become sufficiently confirmed in habits of industry and advanced in the acquisition of a practical knowledge of agriculture and the mechanic arts to provide for themselves, he may, at his discretion, cause to be turned over to them all of the said houses and other property furnished them by the United States, and dispense with the services of any or all persons hereinbefore stipulated to be employed for their benefit, assistance, and instruction.

Article 6. It is hereby agreed and understood that the chiefs and head-men of said tribe may, at their discretion, in open council, authorize to be paid out of their said annuities such a sum or sums as may be found to be necessary and proper, not exceeding in the aggregate one hundred and fifty thousand dollars, to satisfy their just debts and obligations, and to provide for such of their half-breed relations as do not live with them, or draw any part of the said annuities of said Indians: Provided, however, That their said determinations shall be approved by their agent for the time being and the said payments authorized by the Secretary of the Interior: Provided, also, That there shall not be so paid out of their said annuities in any one year a sum exceeding fifteen thousand dollars.

Article 7. On account of their valuable services and liberality to the Yanctons, there shall be granted in fee to Charles F. Picotte and Zephyr Rencontre, each, one section of six hundred and forty acres of land; and to Paul Dorian one-half a section; and to the half-breed Yancton, wife of Charles Reulo, and her two sisters, the wives of Eli Bedaud and Augustus Traverse, and to Louis Le Count, each, one-half a section. The said grants shall be selected in said ceded territory, and shall not be within said reservation, nor shall they interfere in any way with the improvements of such persons as are on the lands ceded above by authority of law; and all other persons (other than Indians or mixedbloods) who are now residing within said ceded country, by authority of law, shall have the privilege of entering one hundred and sixty acres thereof, to include each of their residences or improvements, at the rate of one dollar and twenty-five cents per acre.

Article 8. The said Yancton Indians shall be secured in the free and unrestricted use of the red pipe-stone quarry, or so much thereof as they have been accustomed to frequent and use for the purpose of procuring stone for pipes; and the United States hereby stipulate and agree to cause to be surveyed and marked so much thereof as shall be necessary and proper for that purpose, and retain the same and keep it open and free to the Indians to visit and procure stone for pipes so long as they shall desire.

Article 9. The United States shall have the right to establish and maintain such military posts, roads, and Indian agencies as may be deemed necessary within the tract of country herein reserved for the use of the Yanctons; but no greater quantity of land or timber shall be used for said purposes than shall be actually requisite; and if, in the establishment or maintenance of such posts, roads, and agencies the property of any Yancton shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States.

Article 10. No white person, unless in the employment of the United States, or duly licensed to trade with the Yanctons, or members of the families of such persons, shall be permitted to reside or make any settlement upon any part of the tract herein reserved for said Indians, nor shall said Indians alienate, sell, or in any manner dispose

of any portion thereof except to the United States. Whenever the Secretary of the Interior shall direct, said tract shall be surveyed and divided as he shall think proper among said Indians, so as to give to each head of a family or single person a separate farm, with such rights of possession or transfer to any other member of the tribe or of descent to their heirs and representatives as he may deem just.

Article 11. The Yanc tons acknowledge their dependence upon the Government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of members of any other tribe or nation of Indians and in case of any such injuries or depredations by said Yanc tons, full compensation shall, as far as possible, be made therefor out of their tribal annuities, the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with any other tribe or nation, unless in self-defense, but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians for the decision of the President of the United States, and to acquiesce in and abide thereby. They also agree to deliver to the proper officer of the United States all offenders against the treaties, laws, or regulations of the United States, and to assist in discovering, pursuing, and capturing all such offenders who may be within the limits of their reservation whenever required to do so by such officer.

Article 12. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the Yanc tons shall drink, or procure for others, intoxicating liquor, their proportion of the tribal annuities shall be withheld from them for at least one year; and for a violation of any of the stipulations of this agreement on the part of the Yanc tons, they shall be liable to have their annuities withheld, in whole or in part, and for such length of time as the President of the United States shall direct.

Article 13. No part of the annuities of the Yanc tons shall be taken to pay any debts, claims, or demands against them, except such existing claims and demands as have been herein provided for, and except such as may arise under this agreement, or under the trade and intercourse laws of the United States.

Article 14. The said Yanc tons do hereby fully acquit and release the United States from all demands against them on the part of said tribe, or any individual thereof, except the before-mentioned right of the Yanc tons to receive an annuity under said treaty of Laramie, and except, also, such as are herein stipulated and provided for.

Article 15. For the special benefit of the Yanc tons, parties to this agreement, the United States agree to appoint an agent for them, who shall reside on their said reservation, and shall have set apart for his sole use and occupation, at such a point as the Secretary of the Interior may direct, one hundred and sixty acres of land.

Article 16. All the expenses of the making of this agreement, and of surveying the said Yanc ton reservation, and of surveying and marking said pipe-stone quarry, shall be paid by the United States.

Article 17. This instrument shall take effect and be obligatory upon the contracting parties whenever ratified by the Senate and the President of the United States.

Proclaimed February 26, 1859.

NEW TREATY OF 1867

**Cedes All Lands Outside Lake Traverse Reservation Claimed by Sissetons
and Wahpetons**

Whereas it is understood that a portion of the Sisseton and Warpeton bands of Santee Sioux Indians, numbering from twelve hundred to fifteen hundred persons, not only preserved their obligations to the Government of the United States during and since the outbreak of the Medewakantons and other bands of Sioux, in 1862, but freely periled their lives during that outbreak to rescue the residents on the Sioux reservation, and to obtain possession of white women and children made captives by the hostile bands and that another portion of said Sisseton and Warpeton bands, numbering from one thousand to twelve hundred persons, who did not participate in the massacre of the whites in 1862, fearing the indiscriminate vengeance of the whites, fled to the great prairies of the Northwest, where they still remain; and

Whereas Congress, in confiscating the Sioux annuities and reservations, made no provision for the support of these, the friendly portion of the Sisseton and Warpeton bands, and it is believed [that] they have been suffered to remain homeless wanderers, frequently subject to intense suffering from want of subsistence, and clothing to protect them from the rigors of a high northern latitude, although at all times prompt in rendering service when called upon to repel hostile raids and to punish depredations committed by hostile Indians upon the persons and property of the whites; and

Whereas the several subdivisions of the friendly Sissetons and Warpeton bands ask, through their representatives, that their adherence to their former obligations of friendship to the Government and people of the United States be recognized, and that provision be made to enable them to return to an agricultural life, and be relieved from a dependence upon the chase for a precarious subsistence: Therefore

A treaty has been made and entered into, at Washington City, District of Columbia, this nineteenth day of February, A. D. 1867, by and between Lewis V. Bogy, Commissioner of Indian Affairs, and William H. Watson, commissioners on the part of the United States, and the undersigned chiefs and head-men of the Sisseton and Warpeton bands of Dakota or Sioux Indians, as follows, to-wit:

Article 1. The Sisseton and Warpeton bands of Dakota Sioux Indians, represented in council, will continue their friendly relations with the Government and people of the United States, and bind themselves individually and collectively to use their influence to the extent of their ability to prevent other bands of Dakota or other adjacent tribes from making hostile demonstrations against the Government or people of the United States.

Article 2. The said bands do hereby cede to the United States the right to construct wagon roads, railroads, mail stations, telegraph lines, and such other public improvements as the interest of the Government may require, over and across the lands claimed by said bands, (including their reservation, as hereinafter designated,) over any route or routes that that may be selected by the authority of the Government; said lands, so claimed, being bounded on the south and east by the treaty line of 1851, (proclaimed January 24, 1853; see page 879,) and the Red River of the North to the mouth of Goose River; on the north by the Goose River and a line running from the source thereof by the most westerly point of Devil's Lake to the Chief's Bluff at the head of James River, and on the west by the James River to the mouth of the Mocasín River, and thence to Kampeska Lake. (See also provisions of agreement annexed hereto.)

Article 3. For and in consideration of the cession above mentioned, and in consideration of the faithful and important services said to have been rendered by the friendly bands of Sissitons and Warpetohs Sioux here represented, and also in consideration of the confiscation of all their annuities, reservations and improvements, it is agreed that there shall be set apart for the members of said bands who have heretofore surrendered to the authorities of the Government, and were not sent to the Crow Creek reservation, and for the members of said bands who were released from prison in 1866, the following described lands as a permanent reservation, viz:

Beginning at the head of Lake Travers[e], and thence along the treaty line of the treaty of 1851 to Kampeska Lake; thence in a direct line to Reipan or the northeast point of the Coteau des Prairie[s], and thence passing north of Skunk Lake on the most direct line to the foot of Lake Traverse, and thence along the treaty line of 1851 to the place of beginning.

Thereafter, on the 20th of September, 1872, the following agreement was entered into:

Whereas the Sisseton and Wahpeton bands of Dakotah or Sioux Indians made and concluded a treaty with the United States, at the City of Washington, 1). C., on the 19th day of February, A. 1). 1867, (see page 909,) which was ratified, with certain amendments, by the Senate of the United States on the 15th day of April, 1867, and finally promulgated by the President of the United States on the 2d day of May, in the year aforesaid, by which the Sisseton and Wahpeton bands of Sioux Indians ceded to the United States certain privileges and rights supposed to belong to said bands in the territory described in article two (2) of said treaty; and

Whereas it is desirable that all said territory, except the portion thereof comprised in what is termed the permanent reservations, particularly described in articles three (3) and four (4) of said treaty, shall be ceded absolutely to the United States upon such consideration as in justice and equity should be paid therefor by the United States; and

Whereas said territory, now proposed to be ceded, is no longer available to said Indians for the purpose of the chase, and such value or consideration is essentially necessary in order to enable said bands interested therein to cultivate portions of said permanent reservations, and become wholly self-supporting by the cultivation of the soil and other pursuits of husbandry: Therefore, the said bands, represented in said treaty, and parties thereto, by their chiefs and head-men, now assembled in council, do propose to M. N. Adams. William H. Forbes, and James Smith. Jr., commissioners on behalf of the United States, as follows:

First. To cede, sell, and relinquish to the United States all their right, title and interest in and to all lands and territory particularly described in article two (2) of said treaty, as well as all lands in the Territory of Dakota to which they have title or interest, excepting the said tracts particularly described and bounded in articles three (3) and four (4) of said treaty, which last-named tracts and territory are expressly reserved as permanent reservations for occupancy and cultivation, as contemplated by articles eight, (8,) nine, (9,) and ten (10) of said treaty.

Second. That, in consideration of said cession and relinquishment, the United States shall advance and pay, annually, for the term of ten (10) years from and after the acceptance by the United States of the proposition herein submitted, eighty thousand (80,000) dollars, to be expended under the direction of the President of the United States, on the plan and in accordance with the provisions of the treaty aforesaid, dated February 19, 1867, for goods and provisions, for the erection of manual-labor and public school houses, and for the support of manullabor and public schools, and in the erection of mills, blacksmith shops,

and other work-shops, and to aid in opening farms, breaking land and fencing the same, and in furnishing agricultural implements, oxen, and milch-cows, and such other beneficial objects as may be deemed most conducive to the prosperity and happiness of the Sisseton and Wahpeton bands of Dakota or Sioux Indians entitled thereto according to the said treaty of February 19, 1867. Such annual appropriation or consideration to be apportioned to the Sisseton and Devil's Lake agencies, in proportion to the number of Indians of the said bands located upon the Lake Traverse and Devil's Lake reservations respectively. Such apportionments to be made upon the basis of the annual reports or returns of the agents in charge. Said consideration, amounting in the aggregate to eight hundred thousand (800,000) dollars, payable as aforesaid, without interest.

Third. As soon as may be the said territory embraced within said reservation described in article four, (4,) (Devil's Lake reservation,) shall be surveyed, as Government lands are surveyed, for the purpose of enaoing the Indians entitled to acquire permanent rights in the soil, as contemplated by article five (5) of said treaty.

Fourth. We respectfully request that, in case the foregoing propositions are favorably entertained by the United States, the sale of spirituous liquors upon the territory ceded may be wholly prohibited by the United States Government.

Fifth. The provisions of article (5) of the treaty of February 19, 1867, to be modified as follows: An occupancy and cultivation of five (5) acres, upon any particular location, for a term of five (5) consecutive years, shall entitle the party to a patent for forty acres; a like occupancy and cultivation of ten (10) acres, to entitle the party to a patent to eighty acres; and a like occupancy and cultivation of any tract, to the extent of twenty acres, shall entitle the party so occupying and cultivating to a patent for 160 acres of land. Parties who have already selected farms and cultivated the same may be entitled to the benefit of this modification. Patents so issued (as hereinbefore set forth) shall authorize a transfer or alienation of such lands situate within the Sisseton agency, after the expiration of ten (10) years from this date, and within the Devil's Lake reservation after the expiration of fifteen (15) years, but not sooner.

Sixth. The consideration to be paid, as hereinbefore proposed, is in addition to the provisions of article six (6) of the treaty of February 19, 1867, under which Congress shall appropriate, from time to time, such an amount as may be required to meet the necessities of said Indians, to enable them to become civilized.

Seventh. Sections sixteen (16) and thirty-six (36) within the reservations shall be set apart for educational purposes, and all children of a suitable age within either reservation shall be compelled to attend school at the discretion of the agents.

Eighth. At the expiration of ten (10) years from this date all members of said bands under the age of twenty-one years shall receive 40 acres of land from said permanent reservations in fee simple.

Ninth. At the expiration of ten (10) years the President of the United States shall sell or dispose of all the remaining or unoccupied lands in the Lake Traverse reservation, (excepting that which may hereafter be set apart for school purposes;) the proceeds of the sale of such lands to be expended for the benefit of the members of said bands located on said Lake Traverse reservation; and, at the expiration of fifteen (15) years, the President shall sell or dispose of all the remaining unoccupied lands (excepting that which may be hereafter set apart for school purposes) in the Devil's Lake reservation; the proceeds of the sale of such lands shall be expended for the benefit of all members of said bands who may be located on the said Devil's Lake reservation.

Executed at Sisseton agency, Dakotah Territory, Lake Traverse reservation, this 20th day of September, A. D. 1872.

D

TREATY OF LARAMIE, 1868**This is the Treaty for Which Red Cloud Fought-It Defines Great Sioux
Reservation and Relinquishes All Other Lands**

Treaty between the United States of America and different tribes of Sioux Indians, concluded April 29 et seq., 1868; ratification advised February 16, 1869.

Andrew Johnson, President of the United States of America, to all and singular to whom these presents shall come, greeting:

Whereas a treaty was made and concluded at Fort Laramie, in the Territory of Dakota, (now in the Territory of Wyoming,) on the twenty-ninth day of April, and afterwards, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, William T. Sherman, William S. Harney, John B. Sanborn, S. F. Tappan, C. C. Augur, and Alfred H. Terry, commissioners on the part of the United States, and Ma-za-pon-kaska, Tah-shun-ka-co-qui-pah, Heh-won-ge-chat, Mah-to-non-pah, Little Chief, Makh-pi-ah-lu-tah, Cocam-i-ya-ya, Con-te-pe-ta, Ma-wa-tau-ni-hav-ska, He-na-pin-wa-ni-ca Wahpah-shaw, and other chiefs and head-men of different tribes of Sioux Indians, on the part of said Indians, and duly authorize thereto by them, which treaty is in the words and figures following, to-wit:

Article 1. From this day forward all war between the parties to this agreement shall forever cease. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians -shall commit a wrong or depredation upon the person or property of any one, white, black or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up to the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no one sustaining loss while violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

Article 2. The United States agrees that the following district of country, to-wit, viz: commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same; thence along low water mark down said east bank to a point opposite where the northern line of the state of Nebraska strikes the river; thence west across said river and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich; thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same; thence due east along said parallel to the place of beginning; and, in addition thereto, all

existing reservations on the east bank of said river shall be, and the same is, hereby set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employes of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will, and do hereby, relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

Article 3. If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on, it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

Article 4. The United States agrees, at its own proper expense, to construct at some place on the Missouri River, near the center of said reservation, where timber and water may be convenient, the following buildings, to-wit: a warehouse, a store-room for the use of the agent in storing goods belonging to the Indians, to cost not less than twentyfive hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall cost not exceeding five thousand dollars.

The United States further agrees to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular-saw mill, with a grist mill and shingle machine attached to the same, to cost not exceeding eight thousand dollars.

Article 5. The United States agrees that the agent for said Indians shall in the future make his home at the agency building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

Article 6. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of

land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "land book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may, in like manner, select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected, a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux LandBook."

The President may, at any time, order a survey of the reservation, and, when so surveyed, congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indian, over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians. which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no longer. And any Indian or Indians receiving a patent for land under the foregoing provisions shall thereby and from thenceforth become and be a citizen of the United States, and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

Article 7. In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be in-

duced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

Article 8. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years or more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

Article 9. At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

Article 10. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on (or before) the first day of August of each year, for thirty years, the following articles, to-wit:

For each male person over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the clothing, herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years at any time, it shall appear that the amount of money needed for, clothing under this article can be appropriated to better uses for the Indians named herein, congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President

shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good, well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

Article 11. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home or traveling, nor molest or disturb any wagon-trains, coaches, mules, or cattle belonging to the people of the United States or to persons friendly therewith.

4th. They will never capture or carry off from the settlements white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in future object to the construction of railroads, wagon-roads, mail-stations, or other works of utility or necessity which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners, to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

Article 12. No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying and interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article 6 of this treaty.

Article 13. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Article 14. It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

Article 15. The Indians herein named agree that when the agencyhouse or other buildings shall be constructed on the reservation named, they will regard the said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article 11 hereof.

Article 16. The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same, or, without the consent of the Indians first had and obtained, to pass through the same; and it is further agreed by the United States that within ninety days after the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

Article 17. It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

Proclaimed February 24, 1869.

E

GREAT SIOUX TREATY OF 1889.

An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled: That the following tract of land, being a part of the great reservation of the Sioux nation, in the territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Pine Ridge agency, in the territory of Dakota, namely: Beginning at the intersection of the one hundred and third meridian of longitude with the northern boundary of the State of Nebraska; thence north along said meridian to the south fork of the Cheyenne River, and down said stream to the mouth of Rapid Creek; thence in an easterly direction along the northern edge of the Bad Lands to the mouth of Pass Creek on White River; thence up Pass Creek southerly to the source of its principal branch; thence due south to the said north line of the State of Nebraska; thence west on said north line to the place of beginning. Also, the following tract of land

situated in the State of Nebraska and the territory of Dakota, namely: Beginning at a point on the boundary line between the State of Nebraska and the territory of Dakota where the range line between ranges 44 and 45 west of the sixth principal meridian, in the territory of Dakota, intersects said boundary line; thence east along said boundary line five miles; thence due south five miles; thence due west five miles; thence due north to said boundary line; thence due east along said boundary line to the place of beginning. Provided, that the said tract of land in the State of Nebraska shall be reserved, by executive order, only so long as it may be needed for the use and protection of the Indians receiving rations and annuities at the Pine Ridge agency.

Section 2. That the following tract of land, being a part of the said great reservation of the Sioux nation, in the territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Rosebud agency, in said territory of Dakota, namely: Commencing in the middle of the main channel of the Missouri River, at the intersection of the south line of Brule county; thence down said middle of the main channel of the said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel to a point due south from the source of the principal branch of Pass Creek; thence due north to the said source of the said principal branch of Pass Creek; thence down Pass Creek to White River; thence down White River to a point intersecting the west line of Gregory county extended north; thence south on said extended west line of Gregory county to the intersection of the south line of Brule county extended west; thence due east on said south line of Brule county extended to the point of beginning in the Missouri River, including entirely within said reservations all islands, if any, in said river.

Section 3. That the following tract of land, being a part of the said great reservation of the Sioux nation, in the territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Standing Rock agency, in the said territory of Dakota, namely: Beginning at a point in the center of the main channel of the Missouri River opposite the mouth of Cannon Ball River; thence down said center of the main channel to a point ten miles north of the mouth of the Moreau River; including also within said reservation all islands, if any, in said river; thence due west to the one hundred and second degree of west longitude from Greenwich; thence north along said meridian to its intersection with the south branch of Cannon Ball River, also known as Cedar Creek; thence down said south branch of Cannon Ball River to its intersection with the main Cannon Ball River, and down said main Cannon Ball River to the center of the main channel of the Missouri River at the place of beginning.

Section 4. That the following tract of land, being a part of the said great reservation of the Sioux nation, in the territory of Dakota, is hereby set apart as a permanent reservation for the Indians receiving rations and annuities at the Cheyenne River agency in the said territory of Dakota, namely: Beginning at a point in the center of the main channel of the Missouri River, ten miles north of the mouth of the Moreau River, said point being the southeastern corner of the Standing Rock reservation; then down said center of the main channel of the Missouri River, including also entirely within said reservation all islands, if any in said river, to a point opposite the mouth of the Cheyenne River, thence west to said Cheyenne River, and up the same to its intersection with the one hundred and second meridian of longitude; thence north along said meridian to its intersection with a line due west from a point in the Missouri River ten miles north of the mouth of the Moreau River; thence due east to the place of beginning.

Section 5. That the following tract of land, being a part of the said

great reservation of the Sioux nation, in the territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at Lower Brule agency, in said territory of Dakota, namely: Beginning on the Missouri River at old Fort George; thence running due west to the western boundary of Presho county, thence running south on said western boundary to the forty-fourth degree of latitude; thence on said forty-fourth degree of latitude to the western boundary of township No. 72; thence south on said township western line to an intersecting line running due west from Fort Lookout; thence eastwardly on said line to the center of the main channel of the Missouri River at Fort Lookout; thence north in the center of the main channel of the said river to the original starting point.

Section 6. That the following tract of land, being a part of the great reservation of the Sioux nation, in the territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Crow Creek agency, in said territory of Dakota, namely: The whole of township 106, range 70; township 107, range 71; township 108, range 71; township 108, range 72; township 109, range 72; and the south half of township 109, range 71, and all except sections 1, 2, 3, 4, 9, 10, 11 and 12 of township 107, range 70, and such parts as lie on the east and left bank of the Missouri River, of the following townships, namely: Township 106, range 71; township 107, range 72; township 108, range 73; township 108, range 74; township 108, range 75; township 108, range 76; township 109, range 73; township 109, range 74; south half of township 109, range 75, and township 107, range 73, also the west half of township 106, range 69, and sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, of township 107, range 69.

Section 7. That each member of the Santee Sioux tribe of Indians now occupying the reservation in the State of Nebraska not having already taken allotments, shall be entitled to allotments upon said reserve in Nebraska as follows: To each head of a family, one quarter of a section; to each single person over 18 years of age, one eighth of a section; to each orphan child under 18 years of age, one eighth of a section; to each other person under 18 years of age now living, one sixteenth of a section; the title thereto, in accordance with the provisions of Article 6, of the treaty concluded April 29, 1868, and the agreement with said Santee Sioux approved February 28, 1877, and rights under the same in all other respects conforming to this act. And said Santee Sioux shall be entitled to all other benefits under this act in the same manner and with the same conditions as if they were residents upon said Sioux reservation, receiving rations at one of the agencies herein named. Provided, that all allotments heretofore made to said Santee Sioux in Nebraska are hereby ratified and confirmed; and each member of the Flandreau band of Sioux Indians is hereby authorized to take allotments on the great Sioux reservation, or in lieu thereof shall be paid at the rate of \$1 per acre for the land to which they would be entitled, to be paid out of the proceeds of land relinquished under this act, which shall be used under the direction of the secretary of the interior; and said Flandreau band of Sioux Indians is in all other respects entitled to the benefits of this act the same as if receiving rations and annuities at any of the agencies aforesaid.

Sections 8, 9, 10, 12 relate to the manner of allotting the reservation lands to the members of the tribe.

Section 13 relates to the domiciles of the Indians at the various agencies.

Section 14 provides that the secretary of the interior shall prescribe rules for regulating water supply for irrigation purposes.

Section 15 protects in their holdings Indians who have taken allotments under the former treaties.

Section 16 confirms the Chicago, Milwaukee and St. Paul Railway and the Dakota Central Railway in their respective rights-of-way across the reservation, under certain restrictions.

Section 17 relates to the education of the Indian children.

Section 18 confirms the title of the various religious societies in their school and church sites on the reservation.

Section 19 continues in force provisions of previous treaties not conflicting with this treaty.

Section 20 provides for the erection of school houses at convenient points on the reservations.

Section 21. That all the lands in the great Sioux reservation outside the separate reservations herein described are hereby restored to the public domain, except American Island, Farm Island and Niobrara Island, and shall be disposed by the United States to actual settlers only, under the provisions of the homestead law (except Section 2301 thereof) and under the law relating to townsites: Provided, that each settler, under and in accordance with the provisions of said homestead acts, shall pay to the United States, for the land so taken by him, in addition to the fees provided by law, the sum of \$1.25 per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of 75 cents per acre for all lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the land then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums. But the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in Sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged, except as to said sums: Provided, that all lands herein opened to settlement under this act remaining undisposed of at the end of ten years from the taking effect of this act shall be taken and accepted by the United States and paid for by said United States at 50 cents per acre, which amount shall be added to and credited to said Indians as part of their permanent fund, and said lands shall thereafter be part of the public domain of the United States, to be disposed of under the homestead laws of the United States, and the provisions of this act; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of final entry, shall be null and void: Provided, that there shall be reserved public highways four rods wide around every section of land allotted, or opened to settlement by this act, the section lines being the center of said highways; but no deduction shall be made in the amount to be paid for each quarter section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority the title to the respective strips shall inure to the then owner of the tract to which it formed a part of the original survey. And provided further, that nothing in this act contained shall be so construed as to affect the right of congress or of the government of Dakota to establish public highways, or to grant to railroad companies the right of way through said lands, or to exclude the said lands, or any thereof, from the operation of the general laws of the United States now in force granting to railway companies the right of way and depot grounds over and upon the public lands; American Island, an island in the Missouri River near Chamberlain, in the territory of Dakota, and now a part of the Sioux reservation, is hereby donated to the said city of Chamberlain: Provided, further, that said city of Chamberlain shall formally accept the same

within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only. Farm Island, an island in the Missouri River near Pierre, in the territory of Dakota, and now a part of the Sioux reservation, is hereby donated to the said city of Pierre: Provided further, that said city of Pierre shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only. Niobrara Island, an island in the Niobrara River near Niobrara, and now a part of the Sioux reservation, is hereby donated to the said city of Niobrara. Provided further, that said city of Niobrara shall formally accept the same within one year from the passage of this act; upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only. And provided further, that if any full or mixed blood Indian of the Sioux nation shall have located upon Farm Island, American Island or Niobrara Island before the date of the passage of this act, it shall be the duty of the secretary of the interior, within three months from the time this act shall have taken effect, to cause all improvements made by any such Indian so located upon either of said islands, and all damage that may accrue to him by removal therefrom, to be appraised, and upon the payment of the sum so determined, within six months after notice thereof, by the city to which the island is herein donated to such Indian, said Indian shall be required to remove from said island, and shall be entitled to select instead of such location his allotment according to the provisions of this act upon any of the reservations herein established, or upon any land opened to settlement by this act not already located upon.

Section 22 provides for the investment of money derived from sale of Indian lands as a permanent fund for benefit of Indians.

Section 23 protects Crow Creek settlers.

Section 24 reserves sections 16 and 36 of ceded lands for school lands.

Sections 25 and 26 provide for surveying ceded lands.

Section 27 provides payment for Red Cloud's ponies, taken by the government in 1876.

Section 28 provides when this treaty shall take effect.

Section 29 is the usual repealing clause.

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